

FILED

8/23/2017

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISIONTHOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

RECEIVED

AUG 04 2017 *rub*Lee Ester Davis

Plaintiff(s),

vs.

Kimberly Turner (Traffic Management
Authority/CO)

Defendant(s).

17-cv-05711

Judge Jorge L. Alonso

Magistrate Judge Susan E. Cox

Case No.

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

This form complaint is designed to help you, as a pro se plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.

1. This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.
2. The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.
3. Plaintiff's full name is Lee Ester Davis.

If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.

4. Defendant, kimberly Turner, is
(name, badge number if known)

☒ an officer or official employed by Chicago Police (Trsit Detail);
(department or agency of government)
_____ or

☐ an individual not employed by a governmental entity.

If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.

5. The municipality, township or county under whose authority defendant officer or official acted is City of Chicago - Cook County. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6. On or about Sept, 25, 2015, at approximately 9:36 ☐ a.m. ☒ p.m.
(month, day, year)
plaintiff was present in the municipality (or unincorporated area) of _____
Chicago, in the County of Cook,
State of Illinois, at Pedestrian walkway near CTA Orange line,
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows (***Place X in each box that applies***):

- ☒ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
- ☒ searched plaintiff or his property without a warrant and without reasonable cause;
- ☐ used excessive force upon plaintiff;
- ☐ failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;
- ☐ failed to provide plaintiff with needed medical care;
- ☐ conspired together to violate one or more of plaintiff's civil rights;
- ☒ Other:

Deprive plaintiff of his right to free speech

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: (*Leave blank if no custom or policy is alleged*): _____

8. Plaintiff was charged with one or more crimes, specifically:

Disobedience to a police officer

9. (*Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other"*) The criminal proceedings

- ☐ are still pending.
- ☐ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.¹
- ☐ Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows _____

☒ Other: The case was dismissed because I was later charged with another crime involving the same officer

¹Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

10. Plaintiff further alleges as follows: **(Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)**

On SEP 25th 2015 at 9:36PM I was at the CTA mid-way orange line platform waiting for my Uber driver to arrive. When a car pulled up approx 25-35 feet away from me Kimberly Turner an officer and Public servant stopped the driver of the vehicle and began to question him in a provocative manner. It was then that I pulled out my cell phone with the intent to acknowledge my driver's arrival and document the encounter. About 5 sec later Kimberly Turner traveled the approx 25-35 feet from the car in the street to the platform that I was standing at and came approx 5 feet from me and demanded that I stop recording. (Note that there were no indication on my phone visible to the officer that I was recording IE flashlight ETC) I reminded the officer that she was involved in a Traffic stop/investigation with a driver and to return to her investigation. Kimberly Turner then called CPD and continued on text page

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

Constitutional rights violation, poor employment performance review, emotional distress, lost job prospects

13. Plaintiff asks that the case be tried by a jury. ☐ Yes ☒ No

10. Plaintiff further alleges as follows: **(Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)**

— CONTINUED FROM PG 4

had me arrested, fingerprinted, photographed and locked
in a cold cell ~~with no~~ for approx 4 1/2 hours and charged
with the offense of disobedience to a peace officer

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

13. Plaintiff asks that the case be tried by a jury. ☐ Yes ☐ No

14. Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.

WHEREFORE, plaintiff asks for the following relief:

- A. Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;
- B. ☒ (Place X in box if you are seeking punitive damages.) Punitive damages against the individual defendant; and
- C. Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

Plaintiff's signature: Lee Davis

Plaintiff's name (print clearly or type): Lee Davis

Plaintiff's mailing address: 6310 S Claremont Ave

City Chicago State IL ZIP 60636

Plaintiff's telephone number: (312) 966-7554

Plaintiff's email address (if you prefer to be contacted by email): LeeDavisLogic@gmail.com

15. Plaintiff has previously filed a case in this district. ☒ Yes ☐ No

If yes, please list the cases below.

Lee Davis Vs Tom Dart

Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.